

DAILY RECORD-UNION

SATURDAY, MARCH 23, 1889.

The RECORD-UNION is the only paper on the coast, outside of San Francisco, that receives the full Associated Press dispatches from all parts of the world. Outside of San Francisco, it has no competitor either in its influence or in its home and general circulation throughout the State.

STANLEY MATTHEWS.

The death of Stanley Matthews, Associate Justice of the Supreme Court of the United States, is announced. The country loses by this removal from the stage of human activity, one of the strong men of the nation—a respected jurist, a patriot and a typical American. Justice Matthews was born in Cincinnati in 1824. He was graduated from Kenyon College in 1846, studied law and was admitted to the bar, removing at once to Tennessee, where he pursued the business of his profession. But the institution of slavery was obnoxious to his sense of right, and he returned in a short time to free soil, and located in the city of his nativity. He was an early and pronounced anti-slavery disciple and became assistant editor of the Cincinnati Herald, the first daily anti-slavery paper of the West. In 1851 he was chosen Judge of the Court of Common Pleas for Hancock county, Ohio, and was elected a State Senator in 1855. In 1858 he was appointed United States District Attorney for the Southern District of Ohio, filling that office until late in 1861. It was in this capacity that he first developed the real strength of his character, for he served in a troublesome time, when questions of the gravest importance were to be handled, and his action was exposed to the white heat of criticism and the fire of bitter partisan contention. He left that responsible position, however, to take arms in the defense of the Union of States, becoming Lieutenant Colonel of the Twenty-third Ohio Volunteers. He was put to service at once in West Virginia, and in October, 1861, he was made Colonel of the Fifty-seventh Ohio, and in that capacity commanded a brigade in the army of the Cumberland, winning distinction at the battles of Dropping Ferry, Murfreesborough, Chickamauga and Lookout Mountain. In 1865 he resigned his commission and accepted the office of Judge of the Superior Court of Cincinnati. In 1864, and again in 1868, he was Presidential Elector on the Republican ticket. He was one of the committee in the General Assembly of the Presbyterian Church that reported the celebrated slavery resolutions that determined the position of that church upon the slavery question beyond peradventure. In 1876 he ran for Congress in his district, and was defeated. In the following year he was one of the counsel before the Electoral Commission, and made the leading argument in behalf of the Republican Electors from Florida and likewise in behalf of the Republican Electors from Oregon. In March, 1877, he was elected to the United States Senate to succeed John Sherman, who resigned to take the position of Secretary of the Treasury under President Hayes. In May, 1881, Mr. Matthews was confirmed as a Justice of the Supreme Court of the United States, having been nominated to that exalted position by President Garfield. He was distinguished more for the strength of his intellectual powers, the clearness of his intellectuality, than for the profundity of his legal learning. Nevertheless, he was recognized as a careful jurist and a superior advocate. No one of our public men was more fearless in the enunciation of his convictions or braver in the defending positions assumed.

A NEEDED CHANGE.

The day has so completely passed away in which it was a grave offense for a lawyer to take a case with the fee dependent upon the result of the litigation, that a Court of the State of New York has recently decided that such practice is recognizable and will be sustained by the Courts—a decision, however, made frequently before. But it is a question worthy of consideration, whether a return to the ancient rigor of the law in such matters would not be better for all concerned. We believe that if the reputable members of the bar who have thought upon the subject were polled on the question, a verdict would be rendered against a contingent fee system. There are cases in which, to the poor man, the system is an advantage, but all such can be met by the generous lawyer, and the poor should go to no others. Where the client is too poor to pay the fee and still has a good case, there would be nothing under a return to the old system, to prevent the attorney serving the poor client either in charity or upon credit, precisely as he does the rich one. The custom of taking cases for what can be made out of them, is a breeder of litigation, and worse, of black-mail practices. It gives a class of men a foothold in the profession or the law who ought to be kicked out of it without ceremony. It makes the practice of the law very largely a speculation upon the possibility of forcing defendants to settle, rather than defend, where they have good defense. It substitutes the lawyer, very often, for the litigant, and leads those not morally well braced into devices that lack only detection to land the perpetrator in prison. It puts legal privilege and legal ability up as premiums for speculations, and thus prostitutes office and talent. It tends to lengthen litigation and to pile up costs, and it encourages the Court calendars, so that one-half the tribunals in the land are in a chronic state of backwardness with their business. The best practice, the cleanest, that which calls forth the highest ability of the lawyer and gives the best tone to his methods, is that which does not make his reward dependent upon his success. It is a sad mistake on the part of clients when they imagine that the honest, conscientious lawyer, proud of his calling and sensible of the solemnity of his obligations, is spurred to greater effort by the prospect of a fee that may be dependent upon his success. The St. Louis Globe-Democrat has inaugurated debate upon this question, and is evidently impressed with the belief that there may be brought about a reform in this matter of "encouraging" litigation.

THE RESULT OF INTOLERANCE.

Under the census of 1880, a new Congressional apportionment will be made, with corresponding reformation of the Electoral College. Under it the Southern States will lose and the West will gain power. Yet it is a logical conclusion that a more tolerant policy has been pursued by the

Southern people toward the blacks, and the whites who are politically in disagreement with them, the South, under the new apportionment, would have made gains—that is, an immigration in the past century would have gone into the South that would have greatly more augmented her population, increased her wealth and multiplied her industries.

The Solid South has been, in other words, and still is, a solid wall against the incoming of what the South most needs, new blood. Even the New York Herald, which has been more than friendly to Southern influences, is driven by the facts to say:

Can Southern men wonder if year after year a certain deep irritation at that persistent political anomaly, the "Solid South," lodges in Northern minds, and that it finds expression at Southern polls?

The Albany Journal takes occasion to add, in this connection, that really the South is solid now for nothing, but pretends that the cause is fear of negro domination. But, as the Journal says—and we have not anywhere seen it so well stated: It is merely a pretext, because no one objects to the control of their local affairs by the States and so long as the Southern States have the right of State control, negro domination is strictly impossible. A solid South is not necessary for the control of State affairs. A solid State should control its own affairs, and no one proposes to interfere with a State's right. When the South solidifies itself for the simple purpose of controlling and dominating national politics, it solidifies the South against itself, it declares the Constitution for which it has always declared its special veneration and regard, and it thus challenges the North to battle for sectional as well as political supremacy. This is always bad as a political policy for the South. It is suicidal now.

But what is of more importance than political supremacy to the South, is industrial and commercial advancement, and he is ignorant of the truths of history who does not know that a hostile political and social policy is a barrier to business progress. The wealth, genius, vigor, and skill of the North will not go freely into and contribute to the development of the South so long as there is solidarity, political and otherwise, against a class of people who are unfriended, and unreasoning bitterness and prejudice against, and social ostracism of newcomers who are not of the political faith of the dominant party. People of tolerant sentiments will not go into a State to raise up families, where the injustice prevails manifestly in its insistence upon representation on the basis of all the voters in the State, while a majority, or at least a very large class, of that voting population is refused a voice at the polls. In brief, political intolerance and solidarity are barriers to industrial and commercial progress, and to the general development of any section.

A very foolish college man, one of the Faculty of the Queen's University at Kingston, Canada, has been guilty of a bit of meanness that should earn him the contempt of all decent men, and result in his removal to a lower position in life than that of a public educator. But there is nothing in the incident to excite American wrath, though the contempt of Americans for the narrow-mindedness of the "Professor" is pardonable. It appears that at a public exhibition by pupils of the University, which has a number of American patrons, and has received material aid from American citizens, a scene was arranged in which the various nations of earth were represented by pupils in dramatic character. The teacher had in his programme a very sensational scheme for depicting the relationship of Great Britain to the United States, and he carried it out to the letter. When the young woman came upon the stage who had been chosen to represent the Queen of England, she walked upon the platform over a carpet made of the Stars and Stripes. As she reached her mimic throne, she was made to deliver a set speech, and the "Professor" thereupon referred to the flag beneath the feet of the girl, as typical in its ignoble position, of the relation of this Government to that of England. When this bit of folly had been safely enacted, the "Professor" pointed to the flag in its enforced humility of position, and the young woman taking her cue, looked upon it while her master exclaimed: "That is the way Britons look at the American flag." This must be understood, of course, to refer to the particular expression of countenance in which this Scottish "Squealer" had instructed his pupil to indulge at that moment—for, unfortunately, the mope-eyed pedagogue is a recent importation from Scotland, and should not, therefore, be charged to the account of our Canadian neighbors. There is manifest a good deal of indignation along the border over this display of lack of sense on the part of the Kingston abecedarian, but those disposed to let their passions rule in this case should reflect that the people of Canada are quite as indignant as their Yankee brethren, and will very likely make the Dominion too small and uncomfortable for the further residence of "Professor" Marshall. We should reflect that there are fools on this side of the line also, and that on more than one occasion short-sighted and over-zealous Americans have been quite as silly in caricature and cartoon of the British flag. The fact that some people have not sufficient sense to enable them to share their conduct according to the rules of common politeness is not a matter of international concern, as some hot-blooded people appear inclined to believe it should be. The country will not be upset or the people lose any rest over such trivial affairs as that of the Kingston "foolishness."

The ninth annual report of the Golden Gate Kindergarten Association has been sent from the press. Its President, Mrs. Sarah B. Cooper, sets forth in the volume, in detail, the gratifying progress of the work. From the reports it is evident that California friends of the kindergarten system for primary instruction and development have reason to be greatly encouraged. Great good has been accomplished, and more sympathetic relations with the kindergartens, and the pushing of the work forward is less laborious, and engages more voluntary helpers than ever before. The report refers to the manner of efforts put forth by this journal to popularize the kindergarten system, and to extend its benefits to this city. The RECORD-UNION regrets that it could not have done more than it has in those directions. Its advocacy of the kindergarten scheme is due to profound conviction that it is one of the most potent and best-directed of human instrumentalities for good, and not only for the correct primary education of children, but for the amelioration of the thousands of neglected and unfortunate little ones to whom society owes the duty of employing all possible means to prevent them from drifting into idleness, wretchedness and crime, and to make them self-helpful and self-reliant.

The San Francisco Alta says: "Better than all elaborate and costly plans for protecting the purity of the ballot by artificial devices, is its protection by the voluntary virtue of the people." There is much truth in that. We have about reached the conclusion that any radical reforms of public abuses must begin in the moral sense of the people. Nevertheless, it must not be lost sight of that society will never reach that idealistic state—at least so far as human presence enables us in this age to judge of the future—in which laws of restraint will not be necessary. There will exist, and our legislation must recognize the fact, classes who will prey upon the rights of others, and that these may be restrained laws for the protection of the voter must be enacted. It becomes, therefore, a question of the extent to which we can wisely legislate, and how far the moral sense of the people will fortify such restraining enactments. If society waits for the "voluntary virtue" of its members to correct abuses, it will suffer longer than it needs to from the assaults of the vicious.

PRESIDENT HARRISON has again demonstrated the wisdom and impartiality of his judgment. In the appointment of a Governor for the Territory of Washington he named first the man whom the majority of the people desired. There was no question concerning the fitness of the candidate, but as soon as the President learned that his nominee, whose name had not yet been sent to the Senate, was a candidate also for the Territory into which he sent that gentleman and frankly told him that he would not send him in his name for confirmation because he could not permit even the suspicion that the President of the United States was taking part in the remotest way in the political ambitions of any candidate for an elective office—that, in other words, the President would not permit his appointment to be made a stepping-stone. The wisdom of the decision was so indisputable that the candidate was forced to admit it and gracefully accepted the withdrawal of his name. It is such action as this that wins for President Harrison the respect and admiration of the American people.

If anyone has a remote doubt as to whether there is repression of the colored Republican vote in the South, let him examine the most recent returns of Congressional elections and compare them with the recorded Republican majorities in those districts Democratic Congressmen now represent. For instance, there are Democrats in Congressional seats from districts that the official figures show have Republican majorities as given below, exclusive of the white Republican voters, who are quite too sensible to go to the polls under existing conditions: First Alabama, 2,858; Third Alabama, 3,149; Fourth Alabama, 2,912; Second Georgia, 3,763; Third Georgia, 2,431; Fourth Georgia, 2,947; Sixth Georgia, 8,299; Eighth Georgia, 4,180; Tenth Georgia, 6,145; Fourth Louisiana, 5,733; Fifth Louisiana, 2,214; Sixth Louisiana, 4,545; Second Mississippi, 2,498; Third Mississippi, 14,720; Fourth Mississippi, 5,773; Fifth Mississippi, 1,570; Sixth Mississippi, 1,327; Seventh Mississippi, 6,440; Second North Carolina, 4,438; First North Carolina, 2,236; Second North Carolina, 6,643; Third North Carolina, 1,200; Fourth North Carolina, 1,500; Fifth North Carolina, 2,610; Sixth North Carolina, 3,296; Seventh North Carolina, 24,899; Tenth Tennessee, 3,673.

A PROPOSITION is before the State Board of Agriculture, and is received with much favor, for that body to further express its efforts to encourage the breeding of fine horses by holding a spring meeting on the society grounds in this city, beginning next year. The idea is a good one, and we trust that it will be adopted. There are not anywhere on the coast better training grounds. Many of the best animals are wintered here, and the spring season finds the stables on the grounds pretty well filled up. If at that time a meeting for blood horses is held under the direction of the society, a great many more animals will be brought here for trial before shipment East or to local circuits. The qualities of colts can be tested at these meetings more satisfactorily than anywhere else, and the breeders of stock will gladly avail of such means. The scheme is feasible and ought to be pushed in the stock interests, which we believe are to be of more value to California than the product of the "blue-grass" region of Kentucky has proved to that fortunate State.

The German press complain that Germans are not appreciated in this country, which simply illustrates how ill-informed is the German press concerning America. It may satisfy it, however, to learn that Germans in this country, just as are all other people, are appreciated at their full value. And that is, in a word, that the Germans in America are esteemed frugal, industrious, sensible, law-abiding, good citizens and as the stock for further excellent citizenship. We trust them in offices of the utmost importance. They are numerous in our best business enterprises, energetic in promoting the public welfare and altogether a liberal, intelligent and progressive class of citizens. If the German press can get that much into its muddle it will be better informed of the estimate, in which we hold, in America, the people who left Germany to enjoy the blessings of a better country.

It is very gratifying to learn that the recent Congressional investigation into the reasons for the torturing slowness with which Federal public business is transacted in the Departments at Washington, has resulted in a finding in favor of the people, and against, never-removed official, "red tape." The slow coach has ruled too long in the Departments, and now that it is determined that business of the Government can be done about as promptly as similar business in a private establishment, we shall have all the country wondering why it has so long submitted to the domination of red tape. There never will be, however, any satisfactory reason given why the moss-backed customs of delay have so long attached to the Government business, for the simple reason that there is no reason for it worthy of the name.

It appears, after all, that Prince Bismarck was too hasty in declaring that in the Samoan matter his policy was that of England. According to the Royal Blue Book, Great Britain is not in harmony with the German policy in the South Seas. Yet it is of record, and Lord Salisbury cannot blot it out, that in the inception of the Samoan difficulty, the English Consul at Apia received orders to take no steps, and assume no position in contravention to the wishes of the representatives of Germany in Samoa. It is evident that the change of front on the part of the English Cabinet is less to respect for the attitude of the United States, than for fear of the feeling of the people of the Australasian colonies. The Crown has every-

thing to lose by antagonizing those colonies, and cannot afford to let so small a matter as the Samoan affair imperil the relations of the Home and Colonial Governments.

JEFFERSON DAVIS is out in a long letter denying that the founders of the one-time Southern Confederacy ever contemplated "church establishment" on the part of that "attempt" to carve another republic out of the Union. What sort of difference does it make now? Who cares, especially at this day, what were the intentions of the Confederate chieftains in that matter? It certainly possesses no historic significance, since the "intention," even if entertained, was not involved in the issue between the contending hosts. It is full time to cease speculations as to "what might have been" if the Confederacy had succeeded.

UNDER a law enacted by the late Legislature, children who have not been successfully vaccinated are to be excluded from the public schools, unless it can be shown that after reasonable attempts, successful vaccination in any case cannot be accomplished. We believe this was wise action. It certainly has been demonstrated that by vaccination the dreaded disease can be stamped out, and it is, therefore, only a prudential regulation to require of all who enter the public schools, compliance with a system that experience proves to be preventive of the loathsome disease, small-pox.

The newspaper men are faring well at the hands of President Harrison, and for one that fraternity has no reason to complain that its claims to recognition in official life are neglected. Halford is Private Secretary to the President, Reid goes as Minister to France, New as Consul-General to Germany—according to last reliable statements.

PRESIDENT HARRISON is right in declining to fill the English Mission until the English Government has officially notified him that the vacancy occasioned by the removal of Lord Sackville has been filled. Until England does so she is placed in the attitude of unfriendliness to the Government of the United States.

SAYS the Cincinnati Commercial Gazette: The Democratic party of West Virginia seems to have been divided into two camps, the Legislature and the Courts, and a Governor who doesn't seem to know when his term of office has expired.

That is a failing of that class of partisans that is constitutional.

THE San Francisco Alta says the business of war is to kill men. Not so; it is the business of war to put a stop to the killing of men.

A GAME BEAR HUNTER.

Following Three Bears Four Days and Bagging Them All.

"Ad" Sobers, of this place, says a Wilton (Pa.) letter to the New York Times, is a persistent and tireless bear hunter. Recently he got on the trail of three big bears near the head of Baker run. He at once prepared to run the chase. He followed the trail in all its twistings and turnings all day, and it led him nearly to the place he had started from. He camped where he had started, and at daylight took up the chase again. The day's hunt took him nearly twenty miles from the starting place, and he was forced to camp in the woods again. He had seen nothing of the bears but their tracks as yet. Before the sun was up he started again over the big game, and once more night overtook him in Baker run, not more than a mile from where he had started. He followed the trail in all its twistings and turnings all day, and it led him nearly to the place he had started from. He camped where he had started, and at daylight took up the chase again. 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